

COUNTY COUNCIL

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MEMORANDUM

January 18, 2013

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Jay Furfaro, Council Chair
RE: **JANUARY 17, 2013, COUNCIL MEETING**

This is to inform you of the action taken by the Council at its January 17, 2013, Council Meeting:

CONSENT CALENDAR:

C 2013-26 Communication (12/14/2012) from the County Engineer, transmitting for Council consideration, amendments to Ordinance No. B-2012-737, as amended, relating to the Fiscal Year 2012-2013 Capital Budget, to transfer \$740,000.00 from the Pi'ikoi Interior Renovation Phase II Project (W12053) to the Hardy Street Improvements (W12020) Project, which is necessary to assure adequate funds to meet the twenty percent (20%) match requirement for the Federal Highways Administration (FHWA) total funding amount of \$8,028,000.00. Additional FHWA funds have been secured to supplement the current Capital Improvement Project (CIP) budget of \$869,200.00 to fund the required total match. *(Received for the record.)*

C 2013-27 Communication (01/08/2013) from Councilmember Bynum, transmitting for Council consideration, a Resolution Supporting the Reauthorization of the Violence Against Women Act (VAWA) in a manner that expands, rather than limits, protections for persons who experience domestic violence, sexual assault, or stalking. *(Received for the record.)*

C 2013-28 Communication (12/14/2012) from the County Auditor, transmitting for Council information, the Comprehensive Annual Financial Report (CAFR), Single Audit Report, and Management Advisory Report for the Period Ending June 30, 2012. *(Received for the record.)*

C 2013-29 Communication (12/18/2012) from the County Auditor, transmitting for Council information, N&K CPAs, Inc.'s Independent Accountants' Report on Applying Agreed-Upon Procedures reflecting the Funded Indebtedness Outstanding and Unpaid as of June 30, 2012. *(Received for the record.)*

C 2013-30 Communication (01/04/2013) from the Mayor, transmitting for Council consideration and confirmation the following Mayoral appointees to the various Boards and Commissions for the County of Kaua'i: *(Copies of applications on file in the Clerk's Office.)*

- (1) Board of Water Supply
 - Ross A. Nakashima – Term ending 12/31/2015
- (2) Fire Commission
 - Eugene Keith Jimenez – Term ending 12/31/2013

(Received for the record.)

C 2013-31 Communication (01/04/2013) from the Mayor, transmitting for Council consideration and confirmation the following Mayoral Reappointments to the various Boards and Commissions for the County of Kaua'i:

- (1) Building Board of Appeals
 - Glen Satoru Taba – Term ending 12/31/2015
 - Duane Ray Curammeng – Term ending 12/31/2015
- (2) Board of Ethics
 - Kathleen Ann Clark – Term ending 12/31/2015
 - Warren C. R. Perry – Term ending 12/31/2015
- (3) Charter Review Commission
 - Jan W. TenBruggencate – Term ending 12/31/2015
 - Mary Lou Barela – Term ending 12/31/2015
 - Joel Dennis Guy – Term ending 12/31/2015
- (4) Civil Service Commission
 - Roy M. Morita – Term ending 12/31/2015
- (5) Cost Control Commission
 - Laurie Lynn Koike Yoshida – Term ending 12/31/2015
 - Dirk Kapualani Joseph Apao – Term ending 12/31/2015
- (6) Fire Commission
 - Clifton J. Miranda – Term ending 12/31/2015
- (7) Liquor Control Commission
 - Josephine Ann Sokei – Term ending 12/31/2015
- (8) Police Commission
 - Bradley Chiba – Term ending 12/31/2015
 - Ernest L. Kanekoa, Jr. – Term ending 12/31/2015
 - James Raymond O'Connor – Term ending 12/31/2015
- (10) Salary Commission
 - Jo Ann Shimamoto – Term ending 12/31/2015
 - Michael Chavez Machado – Term ending 12/31/2015

(Received for the record.)

Council Meeting Follow-up Memo to the Mayor

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C 2013-32 Communication (01/04/2013) from the Council Chair, transmitting for Council consideration a Resolution confirming Council Appointee Theodore Kawahinehelelani Blake to the Public Access, Open Space, and Natural Resources Preservation Fund Commission (Kōloa-Po'ipū-Kalāheo). *(Copy of application on file in the Clerk's Office.) (Received for the record.)*

COMMUNICATION:

C 2013-33 Communication (12/18/2012) from the Director of Finance, transmitting for Council information, the Schedule of Fund Balances for the Fiscal Year Ended June 30, 2012, pursuant to Section 19.14 of the Kaua'i County Charter. *(Received for the record.)*

C 2013-34 Communication (12/26/2012) from the Chief of Police, requesting Council approval to accept and utilize a vehicle acquired through the Asset Forfeiture Program. The vehicle will replace a previously disposed of vehicle (Dark Blue 2000 Honda Odyssey Van LX, VIN# 2HKRL1852YH519618) assigned to the Vice/Narcotics Unit and be used for law enforcement purposes. *(Approved.)*

C 2013-35 Communication (12/17/2012) from the Chief of Police, requesting Council approval to expend Asset Forfeiture Funds (Account No. 206-1001-551.30-00) to purchase a Power Document Management System (DMS) Suite computer software program for \$12,500.00 and a \$2,500.00 standard fee to provide each employee of the Kaua'i Police Department a user license for three (3) years. The Power DMS Suite is a recommended computer program by the Commission on Accreditation for Law Enforcement Agencies (C.A.L.E.A.). *(Approved.)*

C 2013-36 Communication (12/14/2012) from the Director of Finance, transmitting for Council information the Condition of the County Treasury as of November 2, 2012. *(Received for the record.)*

C 2013-37 Communication (12/17/2012) from the Executive on Aging, requesting Council approval to receive and expend State funds in the amount of \$170,485.00 for the provision of two (2) evidence based programs which include the Chronic Disease Self-Management Program and the EnhanceFitness Program, and to indemnify the State of Hawai'i, Executive Office on Aging. *(Approved.)*

C 2013-38 Communication (12/10/2012) from the Director of Finance, requesting Council approval to dispose of government records in the Department of Finance, Accounting Division, pursuant to Hawai'i Revised Statutes (HRS) 46-43(c) and Resolution No. 49-86 (1986), as amended. The reports and records have met the seven (7) and ten (10) year retention periods:

(1) Seven (7) Year retention:

- Cash Receipts: 2002 to, and including June 30, 2005,
- Payroll checks: 2004 to, and including June 30, 2005,
- Accounts Payable cancelled checks: 2003 to, and including June 30, 2005,
- Accounts Payable Registers: 2004 to, and including June 30, 2005,
- Inventory Files: 2003 to, and including June 30, 2005.

(2) Ten (10) Year retention:

- Accounts Payable: November 2001 to, and including June 30, 2002.

(Deferred.)

C 2013-39 Communication (12/13/2012) from the Council Chair requesting the presence of the Civil Defense Manager to provide an update on the new tsunami inundation modeling and appropriate tsunami evacuation signage for the County of Kaua'i. *(Received for the record.)*

C 2013-40 Communication (12/06/2012) from the Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept a donation of four thousand dollars (\$4,000.00), a portion of which, along with previous Grant moneys, will off-set the cost of hosting the upcoming Statewide Annual Inter-County Criminal Intelligence Unit (ICCIU) Conference in April 2013. *(Approved.)*

C 2013-41 Communication (12/11/2012) from the Accounting Systems Administrator, Department of Finance, transmitting for Council approval the Accounting Division's request to reclassify three (3) of the the County of Kaua'i's Funds: Housing Fund, Sewer Fund, and Golf Fund from Enterprise Funds to Special Revenues Funds. The reclassification would be reflected in the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ending June 30, 2013. *(Received for the record.)*

C 2013-42 Communication (01/08/2013) from the County Attorney requesting authorization to expend additional funds of up to \$15,000.00 to enable Special Counsel's continued representation in Kathleen M. Ah Quin vs. County of Kaua'i, Department of Transportation, et al., Civil No. CV08-00507 JMS BMK, U.S. District Court, and related matters. *(Approved.)*

C 2013-43 Communication (01/10/2013) from the Council Chair requesting the presence of the County Attorney to provide a briefing to the Council on the following:

- The County's authority to implement legislation relating to air pollution control as it relates to fireplaces and other wood-burning appliances; and,
- An overview of the State Clean Air Branch policies relating to air pollution control and "no burn" periods.

(Received for the record.)

LEGAL DOCUMENTS:

C 2013-44 Communication (12/17/2012) from the Director of Parks & Recreation, requesting Council approval of the License Agreement between the Boys and Girls Club of Hawai'i and the County of Kaua'i, which extends the lease of the portable building located at the Kaua'i War Memorial Convention Hall (KWMCH), 4191 Hardy Street, Lihu'e, Hawai'i, 96766, TMK: (4) 3-6-002:009, adjacent to the parking lot and Lihu'e Baseball Park, for youth activities.

- License Agreement

(Approved.)

C 2013-45 Communication (01/08/2013) from the Deputy County Attorney, recommending Council approval of the following relating to Brennecke's Beach Broiler and Po'ipū Beach Park Restrooms Sewer Connection:

- Conveyance of Wastewater Facilities; concerning real property identified as TMK (4) 2-8-017:001 (por.) and Ho'one Road.
- Cancellation and Surrender of Easement 9 and Grant of Easements for Wastewater Facilities; concerning TMK (4)2-8-017:023 (por.) and TMK (4) 2-8-017:015 (por.)
- Grant of Easements for Wastewater Facilities; concerning TMK (4) 2-8-017:011 (por.) and TMK (4) 2-8-017:023 (por.).

(Approved.)

C 2013-46 Communication (12/26/2012) from the County Engineer, requesting Council approval of the indemnification Provisions Contained in the Kaua'i Island Utility Company (KIUC) Interconnection Agreement, Schedule "NEM Pilot" for County Renewable Energy Projects. ***(Deferred.)***

COMMITTEE REPORTS: APPROVED.

RESOLUTIONS:

Resolution No. 2012-55, RESOLUTION ESTABLISHING NO PARKING AT ANY TIME ALONG PORTIONS OF PO'IPU ROAD IN THE KOLOA DISTRICT ***(Deferred.)***

Resolution No. 2013-11, RESOLUTION SUPPORTING REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT (VAWA) ***(Approved as Amended.)***

Resolution No. 2013-12, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (Ross A. Nakashima) ***(Deferred pending interview on 1/23/2013 at 8:30 a.m.)***

Resolution No. 2013-13, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION (Eugene Keith Jimenez) ***(Approved.)***

Resolution No. 2013-14, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BUILDING BOARD OF APPEALS (Glen Satoru Taba) ***(Approved.)***

Resolution No. 2013-15, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BUILDING BOARD OF APPEALS (Duane Ray Curammeng) ***(Approved.)***

Resolution No. 2013-16, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (Kathleen Ann Clark) ***(Approved.)***

Resolution No. 2013-17, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (Warren C. R. Perry) ***(Approved.)***

Resolution No. 2013-18, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Jan W. TenBruggencate*) (**Approved.**)

Resolution No. 2013-19, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Mary Lou Barela*) (**Approved.**)

Resolution No. 2013-20, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Joel Dennis Guy*) (**Approved.**)

Resolution No. 2013-21, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Roy M. Morita*) (**Approved.**)

Resolution No. 2013-22, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*Laurie Lynn Koike Yoshida*) (**Approved.**)

Resolution No. 2013-23, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*Dirk Kapualani Joseph Apao*) (**Approved.**)

Resolution No. 2013-24, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Clifton J. Miranda*) (**Approved.**)

Resolution No. 2013-25, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Josephine Ann Sokei*) (**Approved.**)

Resolution No. 2013-26, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Bradley Chiba*) (**Approved.**)

Resolution No. 2013-27, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Ernest L. Kanekoa, Jr.*) (**Approved.**)

Resolution No. 2013-28, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*James Raymond O'Connor*) (**Approved.**)

Resolution No. 2013-29, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION (*Jo Ann Shimamoto*) (**Approved.**)

Resolution No. 2013-30, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION (*Michael Chavez Machado*) (**Approved.**)

Resolution No. 2013-31, RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL

RESOURCES PRESERVATION FUND COMMISSION *(Theodore Kawahinehelelani Blake) (Approved.)*

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2462) AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737 AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND *(Hardy Street Improvements \$740,000.00) (Approved on 1st reading, Public Hearing scheduled for 02/13/2013, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.)*

BILLS FOR SECOND READING:

Bill No. 2458, Draft 1 – A BILL FOR AN ORDINANCE AMENDING SECTION 19-1.4 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PARKS AND RECREATION (General Prohibitions Applicable To All Parks And Recreation Facilities) *(Received for the Record.)*

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: Council

Via E-mail: KCT Department Heads

KCT CCs

Staff

